

AN ACT

relating to certain public health data maintained by the Department of State Health Services and shared with certain local health entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 1001, Health and Safety Code, is amended by adding Section 1001.089 to read as follows:

Sec. 1001.089. PUBLIC HEALTH DATA. (a) In this section:

(1) "Essential public health services" has the meaning assigned by Section 121.002.

(2) "Local public health entity" means a local health unit, local health department, or public health district.

(b) Notwithstanding Sections 81.103, 82.009, 88.002(b), 92.006, and 192.002(b), the department may enter into an agreement with a local public health entity that provides essential public health services to provide the entity access to:

(1) identified public health data relating to the entity's jurisdiction and any public health data relating to a jurisdiction contiguous to the entity; and

(2) deidentified public health data maintained by the department relating to the jurisdiction of any other local public health entity.

(c) The public health data obtained through the agreement may be used only in the provision of essential public health

1 services.

2 (d) Access to public health data includes necessary  
3 identified public health data required for an infectious disease  
4 investigation conducted under Chapter 81.

5 (e) For any public health data request that is not subject  
6 to Subsection (b), (c), or (d) and except as provided by Subsection  
7 (f), the department shall establish a review process for the  
8 consideration of public health data requests relating to essential  
9 public health services or public health research. The process must  
10 evaluate:

11 (1) the public health benefit and purpose of the  
12 request;

13 (2) the privacy of the individuals whose data is  
14 requested;

15 (3) the management of the data by the requestor,  
16 including management of public health data released to the  
17 requestor in previous requests; and

18 (4) other relevant law.

19 (f) A local public health entity seeking public health data  
20 for human subject research purposes must submit a request to the  
21 department's institutional review board for review and  
22 consideration.

23 (g) A local public health entity receiving public health  
24 data from the department under this section shall:

25 (1) maintain the integrity and security of the data;  
26 and

27 (2) comply with state and federal privacy laws.

1           SECTION 2. The executive commissioner of the Health and  
2 Human Services Commission shall adopt rules to implement Section  
3 1001.089(e), Health and Safety Code, as added by this Act.

4           SECTION 3. This Act takes effect September 1, 2019.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3704 was passed by the House on May 3, 2019, by the following vote: Yeas 134, Nays 6, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3704 on May 24, 2019, by the following vote: Yeas 136, Nays 3, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 3704 was passed by the Senate, with amendments, on May 21, 2019, by the following vote: Yeas 30, Nays 1.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor